IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CIVIL APPLICATION NO. 580 OF 2005

IN

WRIT PETITION NO. 4455 OF 1991

UNION OF INDIA & ANR. .. APPLICANTS

Vs.

PERVIN ZAIN IRANI .. RESPONDENT

Mr. S. R. Rajguru with S.D. Bhosale for applicants

Mr. Suresh Rajeshwar i/b M/s. Lega Apex for R.

CORAM:-SMT. RANJANA DESAI, J.

DATED:-23-3-2005

P.C.

This civil application is for restoration of Writ Petiton No. 4455 of 1991 which was dismissed for default. It is stated in the application that this writ petition was on board on 6th August, 2004, however the clerk of the petitioners through oversight did not notice the said matter. In the

circumstances the clerk did not intimate either the learned counsel appearing for the petitioners or the concerned department at Pune about the matter and in the circumstances the petition was dismissed for default.

2. I have heard the learned counsel for the respondent also.

3. In the circumstances of the case and in the interest of justice, in my opinion, the writ petition deserves to be restored to file. However, the petitioners must be saddled with cost. Hence Writ Petiton No. 4455 of 1991 is restored to file on the petitioners' paying cost quantified at Rs.5,000/- to the respondent. Payment of cost shall be condition precedent for restoration. Cost to be paid within three weeks from today. Civil application disposed of.

4. Needless to say that interim orders which were granted by this court are also restored. Delay if any is condoned.

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